



# House of Representatives

General Assembly

**File No. 677**

*January Session, 2007*

Substitute House Bill No. 7290

*House of Representatives, May 1, 2007*

The Committee on Finance, Revenue and Bonding reported through REP. STAPLES of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PUBLIC LIBRARIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 11-1 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) The State Library Board shall consist of the Chief Justice of the  
4 Supreme Court or his designee, the Chief Court Administrator or his  
5 designee, the Commissioner of Education or his designee and five  
6 electors to be appointed by the Governor for terms of five years from  
7 July first in the year of their appointment. The terms of all members  
8 appointed prior to July 1, 1987, shall terminate on June 30, 1987.  
9 Commencing on July 1, 1987, appointments to the board shall be made  
10 as follows: Five members shall be appointed by the Governor, one of  
11 whom shall be an experienced librarian, one of whom shall be an  
12 experienced archivist and one of whom shall be an experienced  
13 museum professional; and one member each shall be appointed by the  
14 president pro tempore of the Senate, the minority leader of the Senate,

15 the speaker of the House of Representatives and the minority leader of  
16 the House. The term of each member of the board commencing on or  
17 after July 1, 1987, shall be coterminous with the term of the appointing  
18 authority. The appointing authority shall fill any vacancy in the office  
19 of an appointed member for the unexpired portion of the term. The  
20 Chief Justice may designate any judge of the Supreme Court to serve in  
21 his place.

22 (b) The board may elect annually a chairman from its members to  
23 serve a term of one year from his election or until his successor is  
24 elected. The chairman shall represent the board in certifying such  
25 actions as the board may approve. The board shall provide for the  
26 supervision of the State Library by a State Librarian who shall serve as  
27 the chief administrative officer of the board and shall have  
28 administrative authority over the State Library and responsibility for  
29 its supervision.

30 (c) The board shall meet at least once during each calendar quarter  
31 and at such other times as the chairman deems necessary or upon the  
32 request of a majority of members in office. A majority of the members  
33 in office, but not less than four, shall constitute a quorum. Any  
34 appointed member who fails to attend three consecutive meetings or  
35 who fails to attend fifty per cent of all meetings held during any  
36 calendar year shall be deemed to have resigned from office.

37 (d) The State Library Board shall appoint the State Librarian. Except  
38 when specifically prohibited by the conditions, if any, upon which a  
39 gift was created or by a conditional sales agreement, the board is  
40 authorized to sell, trade or otherwise dispose of any unwanted  
41 duplicate, out-of-date or irrelevant materials within the collections of  
42 the State Library, provided that the monetary proceeds of such a  
43 transaction, if any, shall be deemed to be funds from private sources.  
44 The State Library Board is authorized to establish a nonprofit  
45 foundation for the purpose of raising funds from private sources to  
46 enhance the collections and programs of the library and the Raymond  
47 E. Baldwin Museum of Connecticut History and Heritage. All funds

48 from private sources shall be held in the manner prescribed by sections  
49 4-37e to 4-37j, inclusive, for use in furthering any purpose the board  
50 considers to be in harmony with the original purpose of the gift or  
51 purchase of such materials. The board shall engage in planning for  
52 state-wide library service, other than for school libraries, and for the  
53 establishment of a research center to facilitate the most effective use of  
54 materials in public, university, professional and industrial libraries and  
55 may take such action as is necessary to secure maximum state  
56 participation in federal aid for public libraries, for scholarships for  
57 students of library science and for cooperative library projects. The  
58 board may, by regulation, establish standards for principal public  
59 libraries and procedures for naming such libraries and periodically  
60 review the same. To carry out its duties under the general statutes, the  
61 board may make contracts, subject to the approval of the Attorney  
62 General and to any appropriations made for such purpose or the  
63 availability of other public or private funds.

64 (e) The State Library Board shall be within the Department of  
65 Education for administrative purposes only.

66 [(f) The State Library Board shall report biennially to the General  
67 Assembly.]

68 [(g)] (f) (1) The State Library Board shall appoint an advisory  
69 council for library planning and development. The council shall assist  
70 the board with the development of state and federal library plans,  
71 advise the board on state policies and activities for library  
72 development, cooperation among different types of libraries and use of  
73 automated communication systems to support cooperative  
74 information services and assist the board in evaluating the usefulness  
75 of such activities to residents of the state.

76 (2) The council shall consist of the following persons: Three public  
77 library representatives, one of whom shall be from a tax-supported  
78 public library serving a population of less than ten thousand, one of  
79 whom shall be from such a library serving a population of ten  
80 thousand or more and less than one hundred thousand and one of

81 whom shall be from such a library serving a population of one  
82 hundred thousand or more; one representative of a cooperating library  
83 service unit; one representative of libraries which participate in shared  
84 automated library systems; one representative of the Connecticut  
85 Library Association; one special library representative; one  
86 representative from the academic library community; one  
87 representative from the school library community; one representative  
88 of institution libraries; one representative of a library serving the  
89 handicapped; one representative from the Department of Education;  
90 one representative from the Department of Higher Education; and six  
91 users of libraries represented on the council. The State Librarian shall  
92 represent the board and shall be an ex-officio, nonvoting member. The  
93 council shall designate one of its members to serve as a liaison to the  
94 board.

95 (3) Except for members of the council who represent state agencies,  
96 nine of the members first appointed shall serve for a term of one year,  
97 eight of such members shall serve for a term of two years and  
98 thereafter members shall serve for a term of two years. The State  
99 Library Board shall determine which of the members first appointed  
100 shall serve for a term of one year and which of such members shall  
101 serve for a term of two years. Members may serve up to two  
102 consecutive terms. After serving such terms, a member may be  
103 reappointed after a minimum of one year without service on the  
104 council. [be reappointed once.] The members of the council shall  
105 receive no compensation for their services but may be reimbursed for  
106 any necessary expenses incurred in the performance of their duties.

107 (4) To achieve its purposes, the council may form task forces to  
108 address specific library issues. The task forces shall include  
109 representatives from the library community and users of libraries who  
110 possess expertise in the subject areas addressed by the task forces.

111 Sec. 2. Section 11-2 of the general statutes is repealed and the  
112 following is substituted in lieu thereof (*Effective July 1, 2007*):

113 The State Library shall maintain programs for library development

114 and reader services. The State Librarian shall be the administrative  
115 officer of the State Library and shall administer, coordinate and  
116 supervise the library. In order to carry out the duties of the State  
117 Librarian required by law, the State Librarian may enter into contracts,  
118 subject to the approval of the Attorney General and within any  
119 available appropriations or other funds available from the public or  
120 private sector. The State Librarian shall have the authority to sign  
121 contracts approved by the State Library Board in accordance with the  
122 policies established by the State Library Board. The State Librarian [,  
123 with the approval of the State Library Board,] may appoint members of  
124 the staff of the State Library. Members of the staff of the State Library  
125 employed in positions requiring graduation from a library school shall  
126 be members of the unclassified service. The State Librarian may  
127 purchase books and other library resources for the State Library. [such  
128 books as the State Library Board directs or authorizes. He] The State  
129 Librarian is authorized and directed to distribute copies of the files of  
130 each act favorably reported by any committee of the General Assembly  
131 and printed in the files to each high school and university in the state,  
132 upon request.

133 Sec. 3. Section 11-9b of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective July 1, 2007*):

135 As used in this section and sections 11-9c and 11-9d, as amended by  
136 this act:

137 (a) "State publications" means all publications printed or [published]  
138 otherwise produced in tangible form, and all publications produced in  
139 electronic or other intangible form, by or under the direction of the  
140 state or any officer thereof, or any other agency supported wholly or in  
141 part by state funds;

142 (b) ["Printed" means all forms of printing and duplicating.]  
143 "Publication" means any document issued by a state agency that is  
144 available to the public, regardless of format or purpose, including  
145 legislatively mandated reports, with the exception of routine  
146 correspondence; [and interoffice memoranda;]

147 (c) "State agency" means every state office, officer, department,  
148 division, bureau, board and commission, permanent or temporary in  
149 nature, whether legislative, executive or judicial, and any subdivisions  
150 of each, including state-supported institutions of higher education;

151 (d) "Depository library" means the designated library for collecting,  
152 maintaining and making available to the general public Connecticut  
153 state agency publications.

154 Sec. 4. Section 11-9c of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective July 1, 2007*):

156 The State Library shall administer [a Connecticut state publications  
157 collection] and provide access to the public, on a permanent basis, to a  
158 collection of tangible state publications, and to a digital archive of  
159 intangible state publications, and a depository library system. The  
160 State Library shall: (1) Establish and administer, with the approval of  
161 the State Library Board, such rules and regulations as may be deemed  
162 necessary to carry out the provisions of sections 11-9b to 11-9d,  
163 inclusive, as amended by this act; (2) develop and maintain standards  
164 for depository libraries, including ascertaining their geographical  
165 distribution, with the approval of the State Library Board; (3) enter into  
166 depository contracts with libraries that meet the standards for  
167 eligibility established by the State Library; (4) annually advise  
168 designated staff in each agency, required by section 11-9d, as amended  
169 by this act, of the number of copies of tangible publications needed for  
170 distribution; (5) receive from state agencies on or about publication  
171 date the specified number of copies of each publication; (6) receive on  
172 or about publication date, copies of, or notice of existence, availability  
173 and location of intangible publications; (7) retain sufficient copies in  
174 the Connecticut State Library for preservation, reference and  
175 interlibrary loan purposes; [(7) distribute two copies of each  
176 publication to the Library of Congress and one copy to an additional  
177 national or regional research library designated by the State Library;]  
178 (8) distribute copies of tangible publications to depository libraries  
179 within the state in accordance with the terms of their depository

180 contracts and to libraries outside the state in accordance with any  
181 agreements entered into for the exchange of state publications; [and]  
182 (9) publish [periodically, but at least quarterly, and distribute to  
183 depository and other libraries in Connecticut, other state libraries, state  
184 legislators and state agencies and libraries, upon request, an official  
185 indexed list of Connecticut state publications with an annual  
186 cumulated index] annually the official list of state publications; and  
187 (10) make available a permanent public archive of intangible state  
188 publications.

189 Sec. 5. Section 11-9d of the general statutes is repealed and the  
190 following is substituted in lieu thereof (*Effective July 1, 2007*):

191 (a) Designated staff in each state agency shall be responsible for  
192 [supplying] making the publications of that agency known to the State  
193 Library. Each [such] state agency shall notify the State Library of the  
194 identity of such designated staff not later than thirty days after October  
195 1, 1977, and upon any change of personnel. Said staff shall supply the  
196 State Library annually or upon request with a complete list of the  
197 agency's current publications.

198 (b) Every state agency shall, upon publication, deposit a sufficient  
199 number of copies of each of its tangible publications with the State  
200 Library to meet the needs of the depository library system.

201 (c) Every state agency shall, upon publication, supply the State  
202 Library with, or notify the State Library of the existence, availability  
203 and location of its intangible publications.

204 Sec. 6. Section 11-21 of the general statutes is repealed and the  
205 following is substituted in lieu thereof (*Effective July 1, 2007*):

206 In the absence of any other provision therefor, the management of  
207 the public library in any municipality, fire district or incorporated  
208 school district which has established such library under the provisions  
209 of section 11-20 shall be vested in a board of [directors] trustees,  
210 consisting of a number divisible by three to be elected in the manner

211 provided in section 9-207. Such board may make bylaws for its  
212 government and shall have exclusive right to expend all money  
213 appropriated by such municipality for any such library.

214 Sec. 7. Section 11-22 of the general statutes is repealed and the  
215 following is substituted in lieu thereof (*Effective July 1, 2007*):

216 The officer designated by the [directors or] trustees of any such  
217 library shall draw his order on the treasurer of any such municipality  
218 for such sums as may be necessary to pay the expense of such library,  
219 but such sums shall not exceed in the aggregate the amount  
220 appropriated by any such municipality for such library. [Any town  
221 clerk may deposit in any such library within his town any books, other  
222 than records, placed in his custody.]

223 Sec. 8. Section 11-23 of the general statutes is repealed and the  
224 following is substituted in lieu thereof (*Effective July 1, 2007*):

225 The State Librarian, with the approval of the State Library Board,  
226 shall give to communities advice and assistance in the organization,  
227 establishment and administration of free public libraries, shall extend  
228 to the free public libraries, and to the [librarian or] library director of  
229 any public library, aid in [selecting and] cataloging books and in  
230 library management. [Said librarian is authorized to purchase and  
231 arrange books and pictures to be loaned to such public libraries, school  
232 libraries, associations and individuals and other libraries as said  
233 librarian, with the approval of the State Library Board, may select. Said  
234 librarian may give advice and assistance to libraries in the correctional  
235 and charitable institutions of the state, subject to such rules and  
236 regulations as the directors of such institutions may make.]

237 Sec. 9. Section 11-23a of the general statutes is repealed and the  
238 following is substituted in lieu thereof (*Effective July 1, 2007*):

239 The State Library Board shall maintain a library service center in the  
240 Middlesex County area and in the Windham-Tolland County area, to  
241 serve the public libraries and public schools in each of said areas. [The



242 board of directors of each local public library and the board of  
243 education of each local public school which desires to receive  
244 supplementary library services may designate a representative to serve  
245 on an advisory board of governors for the library service center in the  
246 area wherein is located such public library or public school.]

247 Sec. 10. Section 11-24b of the general statutes is repealed and the  
248 following is substituted in lieu thereof (*Effective July 1, 2007*):

249 (a) [For the fiscal year ending June 30, 1985, and annually thereafter,  
250 each] Each principal public library, as defined in section 11-24a, shall  
251 be eligible to receive a state grant in accordance with the provisions of  
252 subsections (b), (c) and (d) of this section provided the following  
253 requirements are met:

254 (1) An annual statistical report which includes certification that the  
255 grant, when received, shall be used for library purposes is filed with  
256 the State Library Board in such manner as the board may require. The  
257 report shall include information concerning local library governance,  
258 hours of service, type of facilities, library policies, resources, programs  
259 and services available, measurement of levels of services provided,  
260 personnel and fiscal information concerning library receipts and  
261 expenditures;

262 (2) Documents certifying the legal establishment of the principal  
263 public library in accordance with the provisions of section 11-20 are  
264 filed with the board;

265 (3) The library is a participating library in the Connecticard program  
266 established pursuant to section 11-31b;

267 (4) The principal public library shall not have had the amount of its  
268 annual tax levy or appropriation reduced to an amount which is less  
269 than the average amount levied or appropriated for the library [(A)  
270 prior to July 1, 1995, for the three fiscal years immediately preceding  
271 July 1, 1984, (B) on and after July 1, 1995,] for the three fiscal years  
272 immediately preceding the year of the grant, except that if the

273 expenditures of the library in any one year in such three-year period  
274 are unusually high as compared with expenditures in the other two  
275 years, the library may request an exception to this requirement and the  
276 board, upon review of the expenditures for that year, may grant an  
277 exception;

278 (5) State grant funds shall be expended within two years of the date  
279 of receipt of such funds. If the funds are not expended in that period,  
280 the library shall submit a plan to the State Librarian for the  
281 expenditure of any unspent balance;

282 (6) [Public] Principal public libraries shall [provide access to library  
283 materials without charge to] not charge individuals residing in the  
284 town in which the library is located or the town in which the contract  
285 library is located for borrowing and lending library materials,  
286 accessing information, advice and assistance and programs and  
287 services which promote literacy; and

288 (7) [Public] Principal public libraries shall provide equal access to  
289 library service for all individuals and shall not discriminate upon the  
290 basis of age, race, sex, religion, national origin, handicap or place of  
291 residency in the town in which the library is located or the town in  
292 which the contract library is located.

293 (b) Within the limits of amounts appropriated, the amount each  
294 principal public library shall be eligible to receive [for the fiscal year  
295 ending June 30, 1985, and] annually [thereafter,] as a state grant shall  
296 be determined by the State Library Board as follows:

297 (1) Principal public libraries, as defined in section 11-24a, shall  
298 receive a base grant of one thousand two hundred dollars for each  
299 fiscal year. [; nonprincipal public libraries, as described in said section,  
300 shall receive a base grant of one thousand dollars for the fiscal year  
301 ending June 30, 1985, seven hundred fifty dollars for the fiscal year  
302 ending June 30, 1986, and five hundred dollars for the fiscal year  
303 ending June 30, 1987.]

304       (2) Of the amount appropriated for purposes of this section less the  
305 amount distributed as base grants, sixty per cent shall be set aside and  
306 paid to principal public libraries pursuant to subsection (c) of this  
307 section.

308       (3) Of the amount appropriated for purposes of this section less the  
309 amount distributed as base grants, forty per cent shall be set aside and  
310 paid to principal public libraries pursuant to subsection (d) of this  
311 section.

312       (c) The principal public library for each town shall be eligible to  
313 receive an equalization grant in an amount determined as follows:

314       (1) The adjusted equalized net grand list per capita, as defined in  
315 subsection (a) of section 10-261, for all towns in the state shall be  
316 ranked from highest to lowest.

317       (2) The adjusted equalized net grand list per capita, as ranked for all  
318 towns in the state from highest to lowest shall be divided into the  
319 following four classes: Class A, towns ranked from one to forty-two,  
320 inclusive; class B, towns ranked from forty-three to eighty-four,  
321 inclusive; class C, towns ranked from eighty-five to one hundred  
322 twenty-six, inclusive; and, class D, towns ranked from one hundred  
323 twenty-seven to one hundred sixty-nine, inclusive. Funds available for  
324 purposes of this subsection pursuant to subdivision (2) of subsection  
325 (b) of this section shall be distributed among the four classes so that  
326 principal public libraries for class B, C, and D towns, respectively, shall  
327 receive two times, three times and four times as much on a per capita  
328 basis as principal public libraries for class A towns.

329       (3) Grants to the principal public library for each town shall be  
330 determined as follows: Said funds available for purposes of this  
331 subsection shall be multiplied by the per cent of funds for each class to  
332 determine an appropriation per class; the appropriation per class shall  
333 be divided by the total population per class to determine an amount  
334 per capita; the grant for the principal public library for each town shall  
335 be the town's total population multiplied by the amount per capita. For

336 purposes of this subdivision, "total population" of a town means that  
337 enumerated in the [1980] most recent federal decennial census of  
338 population.

339 (d) The principal public library for each town shall be eligible to  
340 receive an incentive grant in an amount to be determined as follows:

341 (1) The State Library Board shall, in such manner as prescribed by  
342 the board, determine for each fiscal year, a state-wide average for per  
343 capita library expenditures and each town's individual per capita  
344 library expenditure based on the annual statistical report filed in  
345 accordance with subsection (a) of this section.

346 (2) The per capita library expenditure of each town shall be ranked  
347 from highest to lowest and the ranked expenditures shall be divided  
348 into the following classes: Class A, towns which meet or exceed the  
349 state-wide average for per capita library expenditures; class B, towns  
350 which meet seventy-five to ninety-nine per cent, inclusive, of the state-  
351 wide average; class C, towns which meet fifty to seventy-four per cent,  
352 inclusive, of the state-wide average; and, class D, towns which fall  
353 below fifty per cent of the state-wide average. Funds available for  
354 purposes of this subsection pursuant to subdivision (3) of subsection  
355 (b) of this section shall be distributed among the four classes so that  
356 principal public libraries for class A and B towns, respectively, shall  
357 receive three times and two times as much on a per capita basis as  
358 principal public libraries for class C towns.

359 (3) Grants to the principal public library for each town shall be  
360 determined as follows: Said funds available for purposes of this  
361 subsection shall be multiplied by the per cent of funds per class to  
362 determine an appropriation per class; the appropriation per class shall  
363 be divided by the total population per class to determine an amount  
364 per capita; the grant for the principal public library for each town shall  
365 be the town's total population multiplied by the amount per capita. For  
366 purposes of this subdivision, "total population" of a town means that  
367 enumerated in the [1980] most recent federal decennial census of  
368 population.

369 (e) Application for grants under this section shall be made to the  
370 State Library Board in such form and at such time as the board [shall  
371 designate] designates. The grant may be used for general library  
372 purposes and no portion of the grant money shall revert to the general  
373 fund of the town or towns normally served by such library.

374 (f) The Secretary of the Office of Policy and Management shall make  
375 available, upon the request of the State Library Board, such  
376 information as is needed by the board to determine grant payments in  
377 accordance with the provisions of subsections (c) and (d) of this  
378 section.

379 (g) The State Library Board shall report triennially to the joint  
380 standing committee of the General Assembly having cognizance of  
381 matters relating to education on the impact of the state grants  
382 distributed pursuant to this section.

383 (h) The State Library Board shall, in accordance with the provisions  
384 of chapter 54, adopt regulations to implement the provisions of this  
385 section.

386 Sec. 11. Section 11-27 of the general statutes is repealed and the  
387 following is substituted in lieu thereof (*Effective July 1, 2007*):

388 All moneys collected or received in payment for library service  
389 contracted for and rendered shall be placed in the treasury of the town,  
390 city, borough, fire district or school district for which such service was  
391 rendered, to the credit of its library fund. The moneys in such fund  
392 shall be kept separate from other moneys and shall be withdrawn only  
393 by authorized officials, upon authenticated vouchers of the [directors  
394 or] trustees of the public library which provides such service.

395 Sec. 12. Section 11-28 of the general statutes is repealed and the  
396 following is substituted in lieu thereof (*Effective July 1, 2007*):

397 The [directors or] trustees of two or more public libraries may, with  
398 the approval of the towns in which such libraries are situated, contract  
399 for the merger, in whole or in part, of the facilities of such libraries.

400 Sec. 13. Section 11-29 of the general statutes is repealed and the  
401 following is substituted in lieu thereof (*Effective July 1, 2007*):

402 Members of the regular staff of any free public library may be  
403 transferred to one of its contract libraries, either on a temporary or a  
404 permanent basis, without affecting their status on the library payroll or  
405 their right to promotion, because of any town ordinance or regulation  
406 as to residence. The [directors or] trustees of any free public library  
407 may employ any person in a branch established in another town than  
408 that in which such library is located, without complying with any civil  
409 service or residence ordinance of either of such towns; but no such  
410 employee shall be transferred to a library within either of such towns  
411 which has civil service or residence ordinances.

412 Sec. 14. Section 11-33 of the general statutes is repealed and the  
413 following is substituted in lieu thereof (*Effective July 1, 2007*):

414 When any city council has decided to establish and maintain a  
415 public library and reading room, the mayor of such city shall, with the  
416 approval of the council, appoint a board of nine [directors] trustees.  
417 Not more than one member of the city council shall be a member of  
418 said board. The [directors] trustees shall, immediately after their  
419 appointment, meet and organize by the election of one of their number  
420 as president and by the election of such other officers as they deem  
421 necessary. They shall make and adopt bylaws, rules and regulations  
422 for the government of the library and reading room and shall have  
423 exclusive control of the expenditure of all moneys collected to the  
424 credit of the library fund, and of the construction of any library  
425 building, and of the supervision, care and custody of the grounds,  
426 rooms or buildings constructed, leased, given or set apart for that  
427 purpose; provided all moneys collected and received for such purpose  
428 shall be placed in the treasury of such city, to the credit of its library  
429 fund, and shall be kept separate from other moneys of the city and  
430 shall be drawn upon by the proper officers of the city, upon duly  
431 authenticated vouchers of the [directors] trustees. Such board may  
432 purchase, lease or accept grounds, and erect, lease or occupy an

433 appropriate building or buildings, for the use of such library, appoint a  
434 [librarian] library director and all necessary assistants and fix their  
435 compensation. Any person desiring to make a gift for the benefit of  
436 such library may vest the title to such donation in the board of  
437 [directors] trustees to be held and controlled according to the terms of  
438 the gift of such property; and such board shall be special trustee  
439 thereof.

440 Sec. 15. Section 11-34 of the general statutes is repealed and the  
441 following is substituted in lieu thereof (*Effective July 1, 2007*):

442 The board of [directors] trustees shall make, on or before the second  
443 Monday of June, an annual report to the city council for the year  
444 ending the first of June, stating the various sums of money received  
445 from the library fund and other sources and how such moneys have  
446 been expended; the number of books and periodicals on hand; the  
447 number added, by purchase, gift or otherwise, during the year; the  
448 number lost or missing; the number of visitors attending; the number  
449 of books loaned and the general character of such books, and such  
450 other statistics, information and suggestions as it deems of general  
451 interest. All such portions of such report as relate to the receipt and  
452 expenditure of money, as well as the number of books on hand, books  
453 lost or missing and books purchased, shall be verified by affidavit.

454 Sec. 16. Section 11-37 of the general statutes is repealed and the  
455 following is substituted in lieu thereof (*Effective July 1, 2007*):

456 No [director] trustee of any free public library and reading room,  
457 established under the provisions of this chapter in any town, city,  
458 borough, school district or fire district, shall receive any compensation  
459 for any services rendered as such [director] trustee.

460 Sec. 17. Section 7-110 of the general statutes is repealed and the  
461 following is substituted in lieu thereof (*Effective July 1, 2007*):

462 (a) [Files of the official] Official publications of the towns, cities and  
463 boroughs of the state shall be kept in the State Library for reference.

464 The clerk of each such town, city or borough shall send to the State  
465 Library two copies of each such tangible publication as soon as [the  
466 same is] the publications are published, and copies of such previous  
467 issues of such publications as can be spared by such municipality if  
468 [the same] the publications are needed by the State Library. [to  
469 complete its files.]

470 (b) The clerk of each town, city or borough shall, upon publication,  
471 supply the State Library with, or notify the State Library of the  
472 existence, availability, and location of, any intangible publications of  
473 the town, city or borough.

474 Sec. 18. Section 7-148a of the general statutes is repealed and the  
475 following is substituted in lieu thereof (*Effective July 1, 2007*):

476 Each town, city and borough in this state shall print and publish all  
477 amendments to its ordinances, all new ordinances and all special acts  
478 adopted after June 1, 1962, on or before March first of each even-  
479 numbered year as a cumulative supplement to the compilation of its  
480 ordinances and special acts. Such compilation and all supplements  
481 thereto shall be available for sale to the public at the office of the clerk  
482 or other similar office in such municipality at a reasonable cost to be  
483 determined by such municipality and a copy of each such compilation  
484 and supplement, whether tangible or intangible in form, shall be  
485 deposited by the clerk of the municipality in the office of the Secretary  
486 of the State, in the State Library, in each bar library in the judicial  
487 district in which such municipality is located and in the courthouse  
488 library of the court nearest to such municipality. If any town, city or  
489 borough fails to comply with the provisions of this section, the  
490 Secretary of the State shall provide for the original compilation and  
491 publication of such ordinances and special acts or of any supplement  
492 thereto and such town, city or borough shall be liable for the cost of  
493 such compilation and publication.

494 Sec. 19. Subsection (g) of section 7-191 of the general statutes is  
495 repealed and the following is substituted in lieu thereof (*Effective July*  
496 *1, 2007*):



497 (g) Not later than thirty days after the approval by the electors of  
498 any proposed charter, charter amendments or home rule ordinance  
499 amendments, the town or city clerk shall file, with the Secretary of the  
500 State, (1) three certified copies thereof, with the effective date or dates  
501 indicated thereon, and (2) in the case of the approval of charter or  
502 home rule ordinance amendments, three certified copies of the  
503 complete charter or ordinance incorporating such amendments. The  
504 Secretary of the State shall distribute two copies, whether tangible or  
505 intangible in form, to the State Library, where a file of such charters,  
506 charter amendments and home rule ordinance amendments shall be  
507 kept for public inspection.

508 Sec. 20. Section 11-25 of the general statutes is repealed and the  
509 following is substituted in lieu thereof (*Effective July 1, 2007*):

510 (a) The libraries established under the provisions of this chapter,  
511 and any free public library receiving a state appropriation, shall  
512 annually make a report to the State Library Board.

513 [(b) Notwithstanding the provisions of section 1-210, personally  
514 identifiable information contained in the circulation records of all  
515 public libraries shall be confidential.]

516 (b) (1) Notwithstanding section 1-210, records maintained by  
517 libraries that can be used to identify any library user, or link any user  
518 to a library transaction, regardless of format, shall be kept confidential,  
519 except that the records may be disclosed to officers, employees and  
520 agents of the library, as necessary for operation of the library.

521 (2) Information contained in such records shall not be released to  
522 any third party, except (A) pursuant to a court order, or (B) with the  
523 written permission of the library user whose personal information is  
524 contained in the records.

525 (3) For purposes of this subsection, "library" includes any library  
526 regularly open to the public, whether public or private, maintained by  
527 any industrial, commercial or other group or association, or by any

528 governmental agency, but does not include libraries maintained by  
529 schools and institutions of higher education.

530 (4) No provision of this subsection shall be construed to prevent a  
531 library from publishing or making available to the public statistical  
532 reports regarding library registration and use of library materials, if  
533 such reports do not contain personally identifying information.

534 Sec. 21. Section 11-20 of the general statutes is repealed and the  
535 following is substituted in lieu thereof (*Effective July 1, 2007*):

536 Any town, city, borough, fire district or incorporated school district  
537 may, by ordinance, establish a public library and may expend such  
538 sums of money as may be necessary to purchase land for a suitable site  
539 and to provide and maintain such suitable rooms or buildings as may  
540 be necessary for such library or for any library which is the property of  
541 any corporation without capital stock or for any public library  
542 established in such municipality, provided the use of such library shall  
543 be free to its inhabitants under such regulations as its [directors or]  
544 trustees prescribe. Any such municipality may receive, hold and  
545 manage any devise, bequest or gift for the establishment, increase or  
546 maintenance of any such library within its limits and may retire with a  
547 pension or other reward any employee of any such library.

548 Sec. 22. Section 11-32 of the general statutes is repealed and the  
549 following is substituted in lieu thereof (*Effective July 1, 2007*):

550 The city council of any city may establish and maintain a public  
551 library and reading room, together with such kindred apartments and  
552 facilities as the council approves; and may levy a tax annually on all  
553 taxable property of the city. Such tax shall be levied and collected as  
554 other taxes, and shall be known as the "library fund". Such library and  
555 reading room shall be free to the use of the inhabitants of the city,  
556 subject to such reasonable rules and regulations as the board of  
557 [directors] trustees may adopt in order to render the use of the library  
558 and reading room of the greatest benefit. Such board may exclude  
559 from the use of such library and reading room any person who

560 wilfully violates such rules, and may extend its privileges to persons  
 561 residing in this state outside the city upon such terms and conditions  
 562 as it may prescribe.

563 Sec. 23. Section 11-35 of the general statutes is repealed and the  
 564 following is substituted in lieu thereof (*Effective July 1, 2007*):

565 The city council of such city may pass ordinances imposing suitable  
 566 penalties for damaging the grounds or other property of such library  
 567 and for damaging or failing to return any book belonging to such  
 568 library. Each [librarian] library director or board of [directors] trustees,  
 569 having charge or control of such library or property, shall post in one  
 570 or more conspicuous places connected therewith a printed copy of this  
 571 section.

572 Sec. 24. Section 11-26 of the general statutes is repealed. (*Effective*  
 573 *July 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	11-1
Sec. 2	<i>July 1, 2007</i>	11-2
Sec. 3	<i>July 1, 2007</i>	11-9b
Sec. 4	<i>July 1, 2007</i>	11-9c
Sec. 5	<i>July 1, 2007</i>	11-9d
Sec. 6	<i>July 1, 2007</i>	11-21
Sec. 7	<i>July 1, 2007</i>	11-22
Sec. 8	<i>July 1, 2007</i>	11-23
Sec. 9	<i>July 1, 2007</i>	11-23a
Sec. 10	<i>July 1, 2007</i>	11-24b
Sec. 11	<i>July 1, 2007</i>	11-27
Sec. 12	<i>July 1, 2007</i>	11-28
Sec. 13	<i>July 1, 2007</i>	11-29
Sec. 14	<i>July 1, 2007</i>	11-33
Sec. 15	<i>July 1, 2007</i>	11-34
Sec. 16	<i>July 1, 2007</i>	11-37
Sec. 17	<i>July 1, 2007</i>	7-110
Sec. 18	<i>July 1, 2007</i>	7-148a
Sec. 19	<i>July 1, 2007</i>	7-191(g)

Sec. 20	<i>July 1, 2007</i>	11-25
Sec. 21	<i>July 1, 2007</i>	11-20
Sec. 22	<i>July 1, 2007</i>	11-32
Sec. 23	<i>July 1, 2007</i>	11-35
Sec. 24	<i>July 1, 2007</i>	Repealer section

**ED**      *Joint Favorable Subst. C/R*

FIN

**FIN**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Library, CT State	GF - Cost	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

It is anticipated that the State Library can archive the increase in electronic documents with currently existing resources.

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**OLR Bill Analysis****sHB 7290*****AN ACT CONCERNING PUBLIC LIBRARIES.*****SUMMARY:**

This bill extends confidentiality requirements for library records to cover more types of personally identifiable information maintained by libraries. It also updates laws governing the State Library, local public libraries, the State Library Board, and the state librarian. Among other things, it expands the State Library's collection of public documents to include electronic and digital documents, adjusts the authority of the State Library Board and the state librarian, and eliminates obsolete provisions and wording.

EFFECTIVE DATE: July 1, 2007

**§ 20 — CONFIDENTIALITY OF LIBRARY RECORDS**

The bill expands confidentiality requirements for library records. Current law requires libraries to keep confidential any personally identifiable information contained in their circulation records and exempts such information from disclosure under the Freedom of Information Act (FOIA).

The bill extends confidentiality and the FOIA exemption to any library record, regardless of format, that can be used to identify a library user or link a user to a library transaction. It bars a library from releasing the information to a third party without (1) a court order or (2) written permission from the library user. The bill's confidentiality requirement applies to any library that is regularly open to the public, including public and private libraries; libraries maintained by industrial, commercial, or other associations or groups; and libraries maintained by state or local government agencies.

The confidentiality requirements do not apply to:

1. records maintained by school or higher education institution libraries;
2. records disclosed to a library's officers, employees, and agents in order to run the library; or
3. statistical reports regarding library registration and use of materials that do not contain personally identifying information.

### **§§ 3-5 — STATE PUBLICATIONS COLLECTION**

The bill expands the State Library's state publications collection to include state agency publications produced in electronic and other intangible formats. By law, the library must administer the collection, which under current law includes only publications that are printed or published by or under the direction of a state agency or any other agency supported by state funds. The bill refers to printed state publications as "tangible" publications and to electronic or digital publications as "intangible" ones.

The bill expands the definition of state publications to include any document issued by a state agency that is available to the public. It expressly includes legislatively mandated reports and interoffice memos. It exempts "routine" correspondence.

The bill requires the State Library to provide permanent public access to the tangible publications collection and to a digital archive of the intangible publications. It requires state agencies to notify the State Library of the existence, availability, and location of intangible publications, when the agency publishes them. Agencies are already required to provide the library with copies of their tangible publications.

The bill eliminates requirements that the State Library distribute two copies of each state publication to the Library of Congress and one

copy to a designated national or regional research library. It makes the official indexed list of state publications, which the State Library must publish, an annual rather than a quarterly publication. It eliminates a requirement that the library distribute the list on request to other libraries, state agencies, and legislators.

### **§§ 17-19 — COPIES OF OFFICIAL LOCAL PUBLICATIONS**

The State Library is required to keep files of official municipal publications for reference. The bill instead requires the library to keep copies of the tangible municipal publications, which town, city, and borough clerks must, by law, supply. The bill also requires the clerks to notify the library of the existence, availability, and location of any intangible publications, when they are published.

The law requires town, city, and borough clerks to file copies of charters, charter amendments, ordinances, and home rule ordinances with the secretary of the state, the State Library, and various other law libraries. The bill requires clerks to provide these documents when they are published in an electronic or digital form.

### **§ 10 — LIBRARY OPERATING GRANTS**

The bill makes statutes consistent by specifying that only principal public libraries receive annual state library operating grants. It repeals obsolete language phasing out grants for nonprincipal public libraries over three years from FY 1985 through FY 1987. Principal public libraries are designated as such by local municipal governing boards.

By law, libraries must certify that operating grants are used for library purposes. The bill prohibits any part of the grant from reverting to the towns the libraries normally serve.

The bill expands the requirement that principal public libraries provide free services to residents of their towns by specifying that they must not only provide free access to library materials but also free loans of library materials and free access to information, advice, help, and literacy promotion programs.



The bill updates references to the 1980 Census in the operating grant formula.

### **§1 — STATE LIBRARY BOARD**

The bill eliminates a requirement that the State Library Board report to the General Assembly every two years. It also allows members of the board's Advisory Council for Library Planning and Development to be reappointed for additional two-year terms after serving two consecutive terms and taking at least a one-year break in service. Under current law, the board is allowed to re-appoint advisory council members only once, and members may serve for not more than four years.

### **§§ 2 & 8 — STATE LIBRARIAN**

The bill allows the state librarian to make contracts to help him perform his duties. The contracts are subject to the attorney general's approval and must be within available appropriations or public or private funds.

It eliminates:

1. requirements that the State Library Board approve the state librarian's staff appointments and book and library material purchases for the State Library;
2. the state librarian's responsibility to help local public libraries to select books; and
3. the state librarian's authority to (a) buy and arrange for loans of pictures and books to public libraries, schools, and similar organizations he selects and the State Library Board approves, and (b) advise and assist libraries in the state's charitable and correctional institutions, according to rules established by the institutions' directors.

### **§§6-8, 11-16, 21-23 — LOCAL PUBLIC LIBRARY DIRECTORS AND TRUSTEES**

Current law refers to the governing boards of local public libraries as either directors or trustees and to each library's administrative head as the librarian or director. The bill eliminates the alternative names for each position by designating the members of library governing boards as "trustees" and the administrative heads as library directors, thus eliminating statutory confusion between local librarians and the state librarian and library directors and library boards of directors.

### **§ 7 — TOWN RECORDS**

The bill eliminates a statute that explicitly authorizes town clerks to deposit any books in their custody, other than records, in the local public library.

### **§ 9 — LIBRARY SERVICE CENTER ADVISORY BOARDS**

The bill eliminates the authority of local library boards and boards of education to designate representatives to serve on the advisory board for the library service center where the library or schools are located. Under current law, local boards have this authority when they want to receive supplementary library services. The advisory boards are obsolete.

### **§ 24 — STATE LIBRARY BOARD CERTIFICATES**

The bill repeals a law allowing the State Library Board to award certificates to librarians in Connecticut public libraries, according to regulations it establishes.

### **COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute Change of Reference  
Yea 32 Nay 0 (03/28/2007)

Finance, Revenue and Bonding Committee

Joint Favorable Substitute  
Yea 53 Nay 0 (04/17/2007)